

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

ROBERT SAMPSON,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION NO. 2:22-cv-05120 JMA
v.	:	
	:	
NATIONAL BOARD OF MEDICAL	:	
EXAMINERS,	:	
	:	
Defendant.	:	
	:	

**DECLARATION OF CHARLES WEINER**

1. I am over 18 years of age and have personal knowledge of the matters addressed in this Declaration.
2. I am one of the attorneys for the Plaintiff Robert Sampson in the above-captioned matter.
3. I am an attorney licensed to practice law in the Commonwealth of Pennsylvania and State of New York. I am also admitted to practice before the United States Courts of Appeals for the Second, Third, and Sixth Circuits. I am a member of the United States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the Southern District of New York, and the Eastern District of New York.
4. Due to the national scope of the undersigned's practice and it's unique experience involving disability law in higher education, particularly representing students in medical licensing testing and other higher education testing, I have also been admitted *pro hac vice* in numerous courts around the country as reflected below in paragraph 12.

5. I graduated from the University of Pittsburgh School of Law in 1988 and was admitted to practice in Pennsylvania in 1988 and in New York in 2016. Accordingly, I have been in the practice of law for nearly 35 years.

6. Since January 2004, I have been an attorney in solo practice in Doylestown, Pennsylvania where my practice is primarily in the area of disability discrimination and special education law.

7. Prior to starting my own practice, I served for several years as counsel in the law departments of Fleet Financial Services and Prudential Insurance Company of America, where I advised, among other things, on matter involving litigation, litigation management and litigation avoidance. In these roles, I managed outside counsel throughout the country in litigation involving compliance, consumer relations, employee relations, and employment discrimination.

8. Between 1992 to 1996, I was a litigation associate with Cozen and O'Connor, which has one of the largest litigation departments in the country. There, I litigated complex multi-district mass-tort or commercial cases.

9. Between 1988 to 1992, I was a litigation associate with Bennett, Bricklin and Saltzburg. There my practice was primarily involved with the defense of tort type litigation. I maintained an active litigation case load of over 100 files. I tried numerous matters as lead or co-counsel, briefed and argued several matters at the appellate level and arbitrated hundreds of cases.

10. Over the past 19 years in my current practice, I have represented several hundreds of individuals with disabilities seeking accommodations pursuant to the Americans with Disabilities Act, 42 U.S.C. §12189 (ADA) on post-secondary entrance examinations, professional licensing examinations and certification examinations.

11. I have counseled individuals on the application process, appeals from denials of accommodations and have filed litigation against several testing entities who have denied individuals with disabilities seeking accommodations.

12. Specifically, I have litigated cases against the National Board of Medical Examiners, the National Board of Osteopathic Medical Examiners and other post-secondary entrance examiners including the following:

- a. *Lauren Harbaugh v. Nat'l Bd. of Osteopathic Med. Exam'rs*, 23 cv-863 (E.D. Pa.).
- b. *Sharmaine Lewis v. Nat'l Bd. of Osteopathic Med. Exam'rs*, 21-cv-00181 (S.D. Ind.).
- c. *Brendan J. Berger v. Nat'l Bd. of Med. Exam'rs*, 19-cv-00099, 2019 WL 4040576 (S.D. Ohio, August 27, 2019).
- d. *Emily Behling v. Nat'l Bd. of Med. Exam'rs*, 19-cv-01732 (D. Conn.).
- e. *Amy C. Custer v. Nat'l Bd. of Med. Exam'rs*, 18-cv-00109 (N.D. Ohio).
- f. *Bernadette Bibber v. Nat'l Bd. Of Osteopathic Med. Exam'rs*, 15-cv-4987, 2016 WL 1404157 (E.D. PA, April 11, 2016).
- g. *Lauren S. Rosenblatt v. Nat'l Bd. of Med. Exam'rs*, 5:15-cv-00953 (W.D. Tex.).
- h. *Kenneth P. Winnard v. Nat'l Bd. Of Med. Exam'rs*, 10-cv-2456 (M.D. FL).
- i. *Aaron Hartman v. Nat'l Bd. of Med. Exam'rs*, 09-cv-5028, 2010 WL 1071423 (E.D. Pa., March 22, 2010); vacated as moot, 2010 WL 4461673 (E.D. Pa., Oct. 18, 2010).
- j. *Lauren R. Keibel v. Ass'n of Am. Med. Colleges*, 14-cv-00465 (D. Conn.).
- k. *Sean Bach v. Law Sch. Admission Council*, 13-cv-00888 (M.D.N.C.).

1. *Benjamin C. Hecht v. Law Sch. Admission Council*, 13-cv-01530 (D.D.C.).
- m. *Michael Logan v. Law Sch. Admission Council*, 11-cv-1246 (D. Minn.).
- n. *Jacob Lieberman v. Law Sch. Admission Council*, 09-cv-5274 (S.D.N.Y.).
- o. *S.C., a minor, et. al. v. ACT, Inc.*, 20-cv-623 (N.D. Tex.).
- p. *R.R., a minor, et. al. v. ACT, Inc.* 12-cv-0314 (S.D.N.Y.).

13. I have spoken extensively at the national, state and local level on the rights of individuals with disabilities and have been invited to speak at several national conferences by the Association for Higher Education and Disability (AHEAD), Coalition for Disability Access in Health Science Education, American Bar Association, American Speech-Language-Hearing Association (ASHA), and the National Stuttering Association.

14. From 2014 – 2017, I was selected to serve as a commissioner for the American Bar Association’s Commission on Disabilities.

15. In Philadelphia and surrounding areas, where the undersigned is located as well as the National Board of Medical Examiners (NBME), Community Legal Services’ (CLS) fee survey has been found to be probative of the reasonableness of hourly attorney rates. *See* CLS Attorney Fees Survey, effective January 19, 2023, <https://clsphila.org/about-community-legal-services/attorney-fees/> (last visited June 16, 2023). The CLS Fee Survey has been endorsed by the United States Court of Appeals for the Third Circuit as a reasonable reflection of market rates for civil rights actions. *See Maldonado v. Houstoun*, 256 F.3d. 181, 187-188 (3d Cir. 2001); *Sch. Dist. Of Phila. v. Kirsch*, 722 Fed. Appx. 215, 230 (3d Cir. 2018). Pursuant to the CLS fee schedule, the prevailing rate for an attorney with more than 25 years’ experience is \$735.00 to \$850.00 per hour.

16. At the Law Office of Charles Weiner, the current rate for individuals who have the financial means to pay is \$450.00 per hour. This is a discounted rate that allows our services to be more affordable for individuals able to pay. However, even at this discounted rate, individuals are unable to pay the attorneys' fee and costs incurred in litigation necessary to access federally protected rights. We accordingly discount our rate and rely on the fee-shifting provisions of federal civil rights laws, such as the ADA, to be appropriately compensated for our services.

17. My reasonable rate in this District is \$450.00 per hour. This rate is significantly less than the rate set forth in the CLS survey for attorneys with comparable years of experience.

18. The details of the professional services I performed in this matter are contained in the documents attached as Exhibit 1 to this Motion. I have exercised billing discretion in deleting time that was redundant or inefficient.

19. I served as co-lead counsel at the court hearing. I prepared for and conducted examination of Plaintiff's expert witnesses and prepared for and conducted cross-examination of Defendant's expert witnesses. I further assisted with preparing Robert Sampson, Shelly Sampson and Dr. Andrew Lam for their testimony. I worked with co-counsel in developing witness lists, creating hearing binders, drafting and revising all briefings and motions and presented the oral argument at the Second Circuit Court of Appeals.

20. The undersigned also relied upon my legal assistant to perform various tasks particularly for preparation of litigation material. In the exercise of billing discretion, these times performed by a legal assistant has been fully discounted in this matter.

21. During the summer 2022, I was retained to represent Mr. Sampson in connection with his disputes against Stony Brook University and the NBME.

22. In an effort to avoid litigation and amicably resolve Mr. Sampson's dispute with the NBME, I wrote to NBME's national litigation counsel, Robert Burgoyne, Esquire on July 18, 2022, requesting a response by August 1, 2022. A true and correct copy of this letter is attached as Exhibit 2

23. By email dated July 22, 2022, Mr. Burgoyne responded indicating he was out of the country and not returning until the following week. Mr. Burgoyne further advised that he would contact NBME but that he did not anticipate being able to respond by August 1, 2022. A true and correct copy of this email chain is attached as Exhibit 3.

24. By email dated August 4, 2022, after not receiving a response from NBME, I sent a follow up reminder email to Mr. Burgoyne, inquiring as to when we might expect a response from NBME. Exhibit 3.

25. By email dated August 26, 2022, after not receiving any response from NBME, I sent an email to Mr. Burgoyne along with a courtesy copy of a complaint. I advised that we intended to file in this Court and requested NBME's prompt attention. A true and correct copy of this e-mail is attached as Exhibit 4.

26. No response was received from NBME or its counsel.

27. On August 29, 2022, Plaintiff's Complaint against NBME was filed with this court. See. *Robert Sampson v. National Board of Medical Examiners*, 2:22-cv-005120-JMA (Doc. 1).

28. The Court scheduled a preliminary injunction hearing to commence on October 11, 2022 at the U.S. Courthouse, Central Islip, New York. Accordingly, I incurred the following lodging costs, travel expenses and tolls to travel from my residence in Bucks County, Pennsylvania to Central Islip and return trip. I request mileage at the federal reimbursement rate.

- a. October 10, 2022 - Mileage from home to Central Islip – 130 miles x \$0.625 per mile = \$81.25.
- b. October 10, 2022 - NJ Turnpike Toll - \$6.44. *See E-ZPass print out attached as Exhibit 5.*
- c. October 10, 2022 – Goethals Bridge Toll - \$16.00. (Exhibit 5)
- d. October 10, 2022 – Verrazano Bridge Toll - \$10.17. (Exhibit 5)
- e. October 10, 2022 – Round trip mileage from hotel to Long Island Airport – 16 miles x \$0.625 per mile = \$10.00.<sup>1</sup>
- f. October 10, 2022 – October 13, 2022 – Residence Inn/Central Islip Room (Weiner) - \$636.25. Invoice attached as Exhibit 6.
- g. October 10, 2022 – October 13, 2022 – Residence Inn/Central Islip Room (Vargas) - \$636.25. Exhibit 6
- h. October 13, 2022 – Round trip mileage from hotel to Long Island Airport – 16 miles x \$0.625 per mile = \$10.00.
- i. October 13, 2022 - Mileage from Central Islip to home – 130 miles x \$0.625 per mile = \$81.25.
- j. October 13, 2022 – NJ Turnpike Toll - \$6.44. (Exhibit 5)
- k. October 13, 2022 – Verrazano Bridge Toll - \$10.17. (Exhibit 5)
- l. October 13, 2022 – Scudders Falls Bridge Toll - \$1.25. (Exhibit 5)

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<sup>1</sup> The undersigned picked up and returned co-counsel Vargas to Long Island MacArthur Airport to avoid the expense of taxi or Uber costs.

29. The U.S. Court of Appeals for the Second Circuit ordered oral argument for April 18, 2023. I incurred the following lodging cost and travel expenses from my residence in Bucks County, Pennsylvania to New York, NY and return trip.

a. April 17, 2023, Amtrak from Trenton, NJ to Penn Station, NY - \$58.00.

Amtrak's sales receipts are attached as Exhibit 7.

b. April 17, 2023 – NYC Taxi from Penn Station to Hotel. - \$36.00. Charge on American Express bill attached as Exhibit 8.

c. April 17, 2023 – April 18, 2023 – Moxy Hotel - \$291.53. Invoice attached as Exhibit 9.

d. April 18, 2023, Amtrak from Penn Station, NY to Trenton, NJ. \$69.00. Invoice attached as Exhibit 7.

e. April 18, 2023, Trenton Park and Ride (train station parking) - \$31.00. Charge on American Express bill attached as Exhibit 10.

I declare under penalty of perjury that the foregoing statements are true and correct.

Date: 06/22/2023

Respectfully submitted

/s/ Charles Weiner  
Charles Weiner, Esquire  
LAW OFFICE OF CHARLES WEINER  
99 Lantern Drive, Suite 202  
Doylestown, PA 18901  
Tel: (267) 685-6311  
charles@charlesweinerlaw.com

*Attorney of Plaintiff, Robert Sampson*

# **EXHIBIT 1**

# Law Office of Charles Weiner

Attorney at Law  
 99 Lantern Drive Suite 202  
 Doylestown, PA 18901  
 Phone: 267-685-6311 | Fax: 215-340-7685

## **Matter: Robert Sampson / NBME**

### **Attorney's Fees**

6/23/2022	Teleconference w/ Atty. Vargas re: analysis of litigation against NBME	C.W.	.70	\$315.00
6/29/2022	Zoom with team re: litigation analysis and strategy.	C.W.	1.50	\$675.00
7/11/2022	Telephone conf. with Atty. Vargas re: NBME demand letter.	C.W.	.20	\$90.00
7/12/2022	Draft and transmittal of pre-litigation demand letter to Atty. Burgoyne and transmittal to co-counsel.	C.W.	.60	\$270.00
7/14/2022	Review, revise and finalize letter to Atty. Burgoyne for client approval and transmittal to client.	C.W.	.30	\$135.00
8/15/2022	Telephone conference with Atty. Vargas re proceeding against NBME.	C.W.	.50	\$225.00
8/16/2022	Review file documents and commence drafting Complaint.	C.W.	2.50	\$1,125.00
8/17/2022	Continue review of file documents and preparation of draft complaint.	C.W.	5.60	\$2,520.00
8/17/2022	Review and revise first draft of complaint and transmittal to co-counsel.	C.W.	1.20	\$540.00
8/24/2022	Telephone conference with Atty. Vargas re: revisions to complaint and preliminary injunction strategy.	C.W.	.50	\$225.00
8/24/2022	Review and revise Complaint against NBME.	C.W.	.50	\$225.00
8/25/2022	Review and revise draft letter to Judge Azrack re: Pre-motion conference.	C.W.	.20	\$90.00
8/25/2022	Discuss strategy with Atty. Vargas. via e-mail exchange.	C.W.	.10	\$45.00
8/26/2022	Review complaint and transmittal of e-mail to Atty. Burgoyne with courtesy copy of complaint.	C.W.	.20	\$90.00
9/9/2022	Transmittal of e-mail to Atty. Lynch re: declarations for DeMotta and Heedles.	C.W.	.30	\$135.00
9/12/2022	Telephone conference with Atty. Vargas re: hearing strategy.	C.W.	.50	\$225.00
9/12/2022	Teleconf. with Atty. Vargas re: debrief on PI Conference.	C.W.	.50	\$225.00

9/13/2022	Review of file and commence preparation of Memo of Law for Preliminary Injunction.	C.W.	3.50	\$1,575.00
9/13/2022	Transmittal of e-mail to Atty. Lynch re: speaking with DeMotta about declaration.	C.W.	.10	\$45.00
9/13/2022	Transmittal of e-mail to RDS re: opinion concerning SB Declarations.	C.W.	.20	\$90.00
9/13/2022	Prepare outline of brief for preliminary injunction.	C.W.	.60	\$270.00
9/13/2022	Transmittal of e-mail to team re: obtaining declarations from Stony Brooks DRP.	C.W.	.20	\$90.00
9/13/2022	Research Heedles current status and transmittal of e-mail to Heedles.	C.W.	.20	\$90.00
9/13/2022	Telephone conference with Atty. Vargas re: preparation of conference with court.	C.W.	.40	\$180.00
9/14/2022	Transmittal of e-mail to Atty. Lynch re: DeMotta declaration and explanation.	C.W.	.20	\$90.00
9/14/2022	Transmittal of email to Dr. Wasserstein re: status of case and declaration request.	C.W.	.20	\$90.00
9/14/2022	Review of response from Atty. Lynch re: request for interview and declaration form Ms. DeMotta and transmittal of e-mail to attorneys Vargas and Stein re: status of DeMotta declaration.	C.W.	.20	\$90.00
9/14/2022	Legal research re: Preliminary Injunction standards in 2d Circuit.	C.W.	.60	\$270.00
9/14/2022	Legal research re: ADA regulations and Title Issues.	C.W.	.80	\$360.00
9/14/2022	Continue drafting Preliminary Injunction Brief.	C.W.	2.80	\$1,260.00
9/15/2022	Review email from Atty. Burgoyne re: complaint and telephone conference with Atty. Vargas re: response.	C.W.	.10	\$45.00
9/15/2022	Transmittal of e-mail to Atty. Burgoyne re: complaint.	C.W.	.10	\$45.00
9/15/2022	Prepare Memorandum of Law supporting Preliminary Injunction and transmittal to co-counsel.	C.W.	2.80	\$1,260.00
9/16/2022	Review e-mail from Stony Brook's counsel and transmittal of e-mail with counsel re: witness declaration request.	C.W.	.10	\$45.00
9/16/2022	Review and edit Wasserstein draft declaration.	C.W.	.40	\$180.00
9/16/2022	Transmittal of e-mail to Atty. Lynch re: letters from DeMotta.	C.W.	.20	\$90.00
9/16/2022	Telephone conference with Atty. Vargas re: response from NBME.	C.W.	.10	\$45.00
9/17/2022	Review documents and prepare draft of Robert Sampson's declaration.	C.W.	3.50	\$1,575.00
9/17/2022	Review and respond to NBME's email re: status and resolution issues.	C.W.	.20	\$90.00
9/18/2022	Review and revise Brief supporting Motion for Preliminary Injunction.	C.W.	2.60	\$1,170.00
9/19/2022	Telephone conference with Atty. Vargas re: contacting court about sealing and bundling.	C.W.	.10	\$45.00
9/19/2022	Review and revise Brief supporting Motion for Preliminary Injunction and insert citations to exhibits and declarations.	C.W.	3.10	\$1,395.00

9/19/2022	Telephone conference with Dr. Wasserstein re: revision to Declaration.	C.W.	.30	\$135.00
9/19/2022	Review and revise Wasserstein Declaration and transmittal of revised declaration to Dr. Wasserstein.	C.W.	.50	\$225.00
9/19/2022	Telephone conference with Dr. Wasserstein regarding approval of declaration.	C.W.	.20	\$90.00
9/19/2022	Review Wasserstein's CV. Review revise and finalize Wasserstein Declaration. Organize Exhibits to Declarations and transmittal to co-counsel.	C.W.	.40	\$180.00
9/19/2022	Telephone conf. with Atty. Vargas re: status of motion documents handling of exhibits and declarations.	C.W.	.50	\$225.00
9/19/2022	Review, revise and finalize Brief in support of Preliminary Injunction.	C.W.	1.80	\$810.00
9/19/2022	Review and approve Atty. Vargas's letter to the court and approve. <sup>1</sup>	C.W.	.10	\$45.00
9/19/2022	Transmittal of e-mail to Atty. Vargas re: settlement strategy.	C.W.	.10	\$45.00
9/19/2022	Review and revised Proposed order.	C.W.	.10	\$45.00
9/19/2022	Review and revise Motion for Preliminary Injunction.	C.W.	.20	\$90.00
9/19/2022	Legal research re: Title III standards for liability in 2d Circuit.	C.W.	.60	\$270.00
9/19/2022	Review and revise Sampson Declaration supporting Preliminary Injunction motion.	C.W.	.40	\$180.00
9/19/2022	Select and organize exhibits for Motion for Preliminary Injunction.	C.W.	.50	\$225.00
9/20/2022	Telephone conference with Atty. Burgoyne re: settlement issues.	C.W.	.20	\$90.00
9/20/2022	Transmittal of summary e-mail to co-counsel re: discussion with Atty. Burgoyne and settlement issues.	C.W.	.40	\$180.00
9/20/2022	Telephone conference with Atty. Vargas.	C.W.	.20	\$90.00
9/20/2022	Telephone conference with Atty. Vargas and client re: settlement issues and strategy.	C.W.	1.20	\$540.00
9/20/2022	Transmittal of e-mail to Atty. Vargas re: settlement talking points with NBME's counsel.	C.W.	.20	\$90.00
9/21/2022	Prepare courtesy copies of Motions and Exhibits in accordance with Court order.	C.W.	.30	\$135.00
	Draft and transmittal of letter to court with courtesy copies of motion.			
9/21/2022	Transmittal of e-mail to Atty. Burgoyne re: settlement demand.	C.W.	.20	\$90.00
9/21/2022	Transmittal of e-mail to client re: summary of settlement position to communicate to opposing counsel.	C.W.	.20	\$90.00
9/21/2022	Review e-mails for client and Atty. Vargas re: settlement position.	C.W.	.10	\$45.00
9/22/2022	Review Vargas email re: AUSA and transmittal of e-mail re: strategy for response.	C.W.	.10	\$45.00
9/27/2022	Transmittal of e-mails to Atty. Burgoyne re:	C.W.	.20	\$90.00

	identification of witnesses and exhibit and review responses.			
9/27/2022	Transmittal of e-mail to Dr. Wasserstein re: hearing and preparation.	C.W.	.20	\$90.00
9/27/2022	Transmittal of e-mail to Atty. Lynch re: subpoena of Stony Brook personnel.	C.W.	.20	\$90.00
9/27/2022	Transmittal of email to client re: SB witness for hearing.	C.W.	.10	\$45.00
9/27/2022	Telephone conference with Atty. Vargas re: witnesses for hearing, trial strategy and division of trial presentation.	C.W.	.70	\$315.00
9/27/2022	Transmittal of emails to Atty. Vargas re: Defense counsel's claims about preliminary injunction hearing.	C.W.	.20	\$90.00
9/28/2022	Exchange of emails with Atty. Lynch re: interview and subpoena Ms. DeMotta.	C.W.	.10	\$45.00
9/28/2022	Transmittal of e-mails to Atty. Vargas re: expert fees and agreement and SB disability services.	C.W.	.20	\$90.00
9/30/2022	Strategy call with Atty. Vargas and Webex meeting with NBME Counsel re: hearing and declarations.	C.W.	.50	\$225.00
9/30/2022	Preparation of subpoena and subpoena letter and request for production to Dr. Lovett, Dr. Murphy, Dr. Ortiz, Dr. Bernier and Dr. Flannagan and transmittal of same to each.	C.W.	1.30	\$585.00
9/30/2022	Review and recommend changes to Mew letter to court.	C.W.	.10	\$45.00
9/30/2022	Review Defendants Opposition Brief to the Motion for Preliminary Injunction and expert declarations.	C.W.	1.50	\$675.00
10/2/2022	Review and revise Lam Declaration.	C.W.	.30	\$135.00
10/2/2022	Review and revise Reply brief and transmittal to co-counsel.	C.W.	1.00	\$450.00
10/2/2022	Review e-mail from Atty. Mew re: objections to subpoena.	C.W.	.10	\$45.00
10/3/2022	Review e-mail for Dr. Wasserstein regarding fees. Transmittal of e-mail to client regarding expert costs and expenses.	C.W.	.20	\$90.00
10/3/2022	Review e-mails from Atty. Mew re: subpoena objections and reply to e-mail	C.W.	.20	\$90.00
10/3/2022	Telephone conference with Atty. Vargas re: subpoena objections, witness and exhibit list and evidence to contest NBME's declarants' opinions.	C.W.	.30	\$135.00
10/3/2022	Review and edit Declaration of Shelly Sampson.	C.W.	.50	\$225.00
10/3/2022	Telephone conference with Dr. Aronson re: testimony at hearing.	C.W.	.30	\$135.00
10/3/2022	Transmittal of e-mail to co-counsel re: Aronson conversation and recommendations regarding witness testimony.	C.W.	.20	\$90.00
10/3/2022	Legal research re: weight of psychometric data and Bartlett decision.	C.W.	.50	\$225.00
10/3/2022	Review evaluation reports for psychometric data supporting accommodations	C.W.	1.50	\$675.00

10/3/2022	Draft revisions to Reply brief regarding evaluation data.	C.W.	1.50	\$675.00
10/4/2022	Telephone conference with Atty. Vargas re: preparation for conference with Judge and discussion of Defendant's e-mail requests.	C.W.	.40	\$180.00
10/4/2022	Conference call with the Court re: preliminary injunction hearing.	C.W.	.30	\$135.00
10/4/2022	Review and revise Reply brief, reviewing the documentary record and inserting citations.	C.W.	1.80	\$810.00
10/4/2022	Review original school records and transmittal to Atty. Vargas.	C.W.	.50	\$225.00
10/4/2022	Telephone conference with Atty. Vargas re: Reply to Def. PI Opposition.	C.W.	.30	\$135.00
10/4/2022	Review Shelly Sampson Declaration.	C.W.	.20	\$90.00
10/4/2022	Review and revisions to Dr. Lam's declaration.	C.W.	.30	\$135.00
10/4/2022	Telephone conference with Atty. Vargas re: reply brief exhibits.	C.W.	.10	\$45.00
10/5/2022	Review exchanges of e-mails and e-mail with Atty. Vargas re: witness and exhibit designation and request for counter designations.	C.W.	.20	\$90.00
10/5/2022	Telephone conference with Atty. Vargas re: Exhibits and Dr. Wasserstein.	C.W.	.10	\$45.00
10/5/2022	Review documents for hearing preparation and create draft of witness and exhibit list.	C.W.	3.50	\$1,575.00
10/5/2022	Review and select documents for Dr. Wasserstein to review for preparation of testimony. Prepare and transmittal of e-mail to Dr. Wasserstein identifying documents provided.	C.W.	1.60	\$720.00
10/5/2022	Telephone conference with Atty. Vargas re: trial strategy, preparation, witness selection and exhibits.	C.W.	.80	\$360.00
10/6/2022	Telephone conference with Atty. Vargas re: witness preparation and assignment for hearing.	C.W.	.20	\$90.00
10/6/2022	Review and organize Plaintiff's exhibits and delegate to legal assistant for creation of exhibit binders.	C.W.	.90	\$405.00
10/6/2022	Transmittal of e-mails to Dr. Wasserstein re: hearing issues and testimony preparation.	C.W.	.40	\$180.00
10/6/2022	Research and identify articles regarding re: extra time on MCAT and USMLE and review several articles.	C.W.	2.40	\$1,080.00
10/6/2022	Transmittal of e-mail to Dr. Meek re: published articles on USMLE and assistance with Defendants experts.	C.W.	.30	\$135.00
10/6/2022	Transmittal of letter to Judge Azrack re: copy of exhibit binder and courtesy copies of motions. Transmittal of letter to Defense counsel re: exhibit binder.	C.W.	.20	\$90.00
10/6/2022	Telephone conference with Atty. Vargas re: exhibits.	C.W.	.10	\$45.00
10/6/2022	Review exhibit binder and exhibit list and implement changes.	C.W.	1.30	\$585.00
10/7/2022	Telephone conference with Dr. Wasserstein re:	C.W.	.80	\$360.00

	hearing logistics and testimony preparation.			
10/7/2022	Transmittal of email to Dr. Miller re: testimony at hearing.	C.W.	.20	\$90.00
10/7/2022	Emails with Dr. Wasserstein re: testimony for hearing.	C.W.	.20	\$90.00
10/7/2022	Select, organize and number hearing exhibits. Create electronic files and transmittal to Defendants counsel in accordance with court's order	C.W.	.60	\$270.00
10/7/2022	Create electronic file for Defendant's exhibits and transmittal to co-counsel.	C.W.	.40	\$180.00
10/7/2022	Transmittal of documents to be used as exhibits to Dr. Wasserstein.	C.W.	.30	\$135.00
10/7/2022	Work with legal assistant creating exhibit binder. Review, revise and finalize exhibit binders for hearing.	C.W.	1.70	\$765.00
10/7/2022	Telephone conference with Atty. Vargas re: expert testimony	C.W.	.10	\$45.00
10/7/2022	Telephone conference with Atty. Vargas re: expert testimony and settlement issues.	C.W.	.40	\$180.00
10/7/2022	Hearing preparation and review of documents.	C.W.	2.40	\$1,080.00
10/8/2022	Review Dr. Bernier's Declaration and testimony from Bibber and Lewis.	C.W.	1.20	\$540.00
10/8/2022	Preparation of cross examination of Bernier.	C.W.	2.00	\$900.00
10/8/2022	Review and respond to e-mails from Atty. Vargas re: child evidence of disability, litigation strategy and plan.	C.W.	.20	\$90.00
10/8/2022	Create Trial exhibit list for use during trial.	C.W.	.30	\$135.00
10/8/2022	Create litigation strategy and issue check list.	C.W.	.50	\$225.00
10/8/2022	Review exhibit binders and prepare for hearing.	C.W.	2.20	\$990.00
10/8/2022	Review Lovett Declaration and reports and preparation of cross examination.	C.W.	1.30	\$585.00
10/9/2022	Review exhibits and preparation of Wasserstein direct examination.	C.W.	3.50	\$1,575.00
10/9/2022	Review Defendant's Preliminary Injunction exhibits and supplemental exhibits and create and review binder of defendant's exhibits for hearing.	C.W.	1.30	\$585.00
10/9/2022	Review publications on extended time on high stakes testing.	C.W.	1.30	\$585.00
10/9/2022	Review Dr. Lam's letter and declaration and prepare mock cross examination for witness preparation.	C.W.	.40	\$180.00
10/9/2022	Telephone conference with Atty. Vargas and Dr. Lam and prepare testimony for hearing.	C.W.	.60	\$270.00
10/9/2022	Telephone conference with Atty. Vargas re: trial preparation.	C.W.	.40	\$180.00
10/9/2022	Review of Lovett reports and preparation of cross-examination.	C.W.	.90	\$405.00
10/10/2022	Travel from home to Central Islip Hotel.	C.W.	3.50	\$787.50
10/10/2022	Review selected exhibits. Review and revise Wasserstein direct examination.	C.W.	2.00	\$900.00
10/10/2022	Prepare Sampson for cross examination with Vargas.	C.W.	1.00	\$450.00

10/10/2022	Review Lovett declaration, Murphy Declaration, Bernier Declaration, Flannagan Declaration, Ortiz Declaration, and McGeehan Declaration in connection with Wasserstein direct preparation.	C.W.	1.70	\$765.00
10/10/2022	Review Lovett's reports re: preparation for cross examination.	C.W.	1.80	\$810.00
10/10/2022	Telephone conference with Dr. Wasserstein, review exhibits and prepare for direct examination and assistance with cross examination.	C.W.	2.70	\$1,215.00
10/11/2022	Review research from re: stuttering and speech impairment and relationship to learning disabilities.	C.W.	.60	\$270.00
10/11/2022	Hearing set up, technical checks in court room and participate in court hearing.	C.W.	7.40	\$3,330.00
10/11/2022	Telephone conference with Dr. Wasserstein and preparation for direct examination and cross examination with Atty. Vargas.	C.W.	1.40	\$630.00
10/11/2022	Review documents and prepare for Lovett cross examination.	C.W.	1.50	\$675.00
10/11/2022	Review McGuigan declaration and documents and prepare for direct/cross examination.	C.W.	1.60	\$720.00
10/11/2022	Review and comment on Vargas opening argument.	C.W.	.40	\$180.00
10/12/2022	Review research and read articles on impact of extra time on high stakes exam in preparation for cross examination.	C.W.	1.00	\$450.00
10/12/2022	Prepare for Lovett cross examination.	C.W.	1.00	\$450.00
10/12/2022	Review of Murphy's declaration and review Murphy's reports re: preparation for cross examination.	C.W.	1.30	\$585.00
10/12/2022	Review Bernier Declaration and Preparation of Bernier's cross examination.	C.W.	1.00	\$450.00
10/12/2022	Hearing preparation and participation at hearing including examinations of Dr. Wasserstein, Dr. Lovett and Dr. Murphy.	C.W.	8.30	\$3,735.00
10/12/2022	Review Murphy declaration and reports and review notes from testimony of Dr. Murphy. Preparation for cross examination.	C.W.	2.50	\$1,125.00
10/13/2022	Preparation for Murphy cross examination.	C.W.	1.60	\$720.00
10/13/2022	Participation at hearing including examination of Dr. Murphy.	C.W.	1.70	\$765.00
10/13/2022	Travel from Court to home.	C.W.	3.50	\$787.50
10/13/2022	Review and comment on Vargas closing.	C.W.	.40	\$180.00
10/14/2022	Draft outline for Findings of Fact, Conclusions of Law.	C.W.	1.30	\$585.00
10/14/2022	Transmittal of e-mails memorandum to Attys. Vargas and Stein with Findings of Fact, Conclusions of Law with references to witness testimony supporting case.	C.W.	.60	\$270.00
10/14/2022	Review and respond to client re: Wasserstein time entry and billing.	C.W.	.10	\$45.00
10/17/2022	Transmittal of e-mails w/Atty. Vargas re: hearing transcripts.	C.W.	.10	\$45.00

10/18/2022	Review and highlight Dr. Murphy's testimony from Preliminary Injunction hearing transcript.	C.W.	.80	\$360.00
10/18/2022	Review and highlight Dr. Wasserstein's testimony in hearing transcript for preparation of Findings of Fact.	C.W.	1.00	\$450.00
10/18/2022	Review and highlight Dr. Lovett's testimony from hearing transcript in preparation for Findings of Fact.	C.W.	.80	\$360.00
10/18/2022	Commence drafting section of findings of fact and insert citations.	C.W.	2.00	\$900.00
10/19/2022	Review hearing transcript and review Wasserstein's testimony and annotate for FOF/COL.	C.W.	2.00	\$900.00
10/19/2022	Review transcript of Lovett testimony and annotate for FOF/COL.	C.W.	1.50	\$675.00
10/20/2022	Review transcript and annotate testimony of Dr. Murphy re: FOF / COL.	C.W.	1.50	\$675.00
10/26/2022	Review Berger FOF/COL re: preparation of FOF/COL	C.W.	.40	\$180.00
10/26/2022	Commence preparation of evaluation and expert witness portion of FOF / COL	C.W.	2.50	\$1,125.00
10/26/2022	Review and annotate Declarations of Dr. Flannegan, Dr. Ortiz, Dr. Bernier and Dr. McGeehan re: preparation of FOF/COL.	C.W.	.60	\$270.00
10/28/2022	Draft Evaluation portion and expert portion of FOF/COL.	C.W.	2.50	\$1,125.00
10/29/2022	Continue drafting FOF/COL. Review and revise Vargas FOF/COL. Transmittal to revisions and draft to Co -counsel with e-mail memorandum re: additional arguments.	C.W.	2.80	\$1,260.00
10/30/2022	Incorporate and revise portions or arguments from co-counsel. Review exhibits and check citations.	C.W.	2.20	\$990.00
10/30/2022	Incorporate and revise portions or arguments from co-counsel. Review exhibits and check citations.	C.W.	2.20	\$990.00
10/30/2022	Legal research and check citation. Review and revise FOF/COL.	C.W.	1.20	\$540.00
10/31/2022	Review and revise FOF/COL and check citations.	C.W.	.60	\$270.00
10/31/2022	Review and near finalize FOF/COL and transmittal to co-counsel.	C.W.	.50	\$225.00
10/31/2022	Review Defendant's FOF/COL.	C.W.	.50	\$225.00
10/31/2022	Create courtesy copy of FOF/COL and transmittal of letter to court.	C.W.	.10	\$45.00
11/1/2022	Create master file of Plaintiff's Exhibits and review file. Transmittal Plaintiff's exhibits to court in compliance with order.	C.W.	.30	\$135.00
11/10/2022	Add change from hearing transcript to Errata sheet.	C.W.	.40	\$180.00
11/10/2022	Review portions of transcript and identify errors for errata.	C.W.	2.20	\$990.00
11/11/2022	Review errata notes and incorporate errata with co-counsel's errata sheet. Transmittal to co-counsel.	C.W.	.30	\$135.00
12/2/2022	Review court's order and opinion on the Preliminary Injunction.	C.W.	.50	\$225.00

12/2/2022	Telephone conference with client and Atty. Vargas re: Court's decision on preliminary injunction and next steps.	C.W.	.50	\$225.00
1/11/2023	Review Motion to Expedite.	C.W.	.40	\$180.00
1/17/2023	Research ERAS and NRMP web sites for requirements concerning USMLE administration.	C.W.	.60	\$270.00
1/18/2023	Review declaration and testimony regarding accommodations creates an unfair advantage issue. Draft email to co-counsel regarding issue for Response to NBME's Motion to Expedite.	C.W.	.50	\$225.00
1/18/2023	Review e-mail chain regarding Wake Forest clinic amicus. Draft and transmittal of e-mail to co-counsel re: additional amicus consideration.	C.W.	.30	\$135.00
1/24/2023	Telephone conference with Atty. Vargas re: appeals issues and proposed appendix.	C.W.	.50	\$225.00
1/24/2023	Review Plaintiff's counsel's email re: proposed appendix	C.W.	.20	\$90.00
1/24/2023	Review exhibits filed with Motion for Preliminary Injunction, Reply to NBME's Response, exhibits admitted at the hearing and the District Court Order and develop additional list for the Appellate Appendix and transmittal to Defense Counsel.	C.W.	.70	\$315.00
1/31/2023	Review draft of Atty. Lynch's letter to court. Review appellate rules of procedure on indicative ruling. Transmittal of e-mail to co-counsel re: NBME's use of letter filed with court.	C.W.	.30	\$135.00
2/16/2023	Review and analysis of NBME's opening appeal brief.	C.W.	1.50	\$675.00
2/16/2023	Review revise and comments to Draft Appellee brief, including review of record, District Court opinion.	C.W.	4.70	\$2,115.00
2/16/2023	Teleconf. with Atty. Vargas re: appellate briefing and strategy.	C.W.	.20	\$90.00
2/17/2023	Review e-mail from Atty. Stein re: Appellee brief strategy. Review hearing exhibits and respond to questions about accommodation issues.	C.W.	.40	\$180.00
2/17/2023	Zoom conference with Atty. Stein re: Appellee brief arguments and strategy.	C.W.	.80	\$360.00
2/18/2023	Review and revise Appellee brief and transmittal to co-counsel	C.W.	2.00	\$900.00
2/19/2023	Review transcripts and exhibits and insert citations from appendix into Brief for Appellee.	C.W.	3.00	\$1,350.00
2/20/2023	Review exhibits and transcript and insert citations into Brief for Appellee.	C.W.	2.50	\$1,125.00
2/20/2023	Review and revise Appellee brief.	C.W.	2.60	\$1,170.00
2/20/2023	Zoom call with Atty. Stein re: Appellee brief arguments.	C.W.	1.00	\$450.00
2/21/2023	Zoom call with Atty. Stein regarding Appellee brief revisions.	C.W.	.40	\$180.00
2/21/2023	Review and revise Appellee including citation to the record.	C.W.	4.00	\$1,800.00

3/1/2023	Participate in 2d Circuit Mediation.	C.W.	1.40	\$630.00
3/1/2023	Exchange of e-mails with Atty. Vargas re: mediation and resolution issues.	C.W.	.20	\$90.00
3/1/2023	Transmittal of e-mails with Dr. Petersen re: Coalition DAHSE amici brief and assist with statement of interest.	C.W.	.30	\$135.00
3/1/2023	Transmittal of e-mails with Ms. Cipoletti re: LDA's amici sign on.	C.W.	.30	\$135.00
3/1/2023	Transmittal of e-mail with E.Laird re: AHEAD and amici brief.	C.W.	.20	\$90.00
3/14/2023	Review NBME's Reply Appellate brief.	C.W.	.60	\$270.00
3/30/2023	Telephone conference with Atty. Vargas re: Appellate argument strategy.	C.W.	.20	\$90.00
3/30/2023	Telephone conference with client and Atty. Vargas re: appellate argument and strategy.	C.W.	.70	\$315.00
3/30/2023	Conference with Atty. Vargas re: appellate argument preparation.	C.W.	.30	\$135.00
4/11/2023	Read and review case law in preparation for appeals court oral argument.	C.W.	2.50	\$1,125.00
4/11/2023	Zoom conference with Atty. Stein re: preparation and moot court for oral argument.	C.W.	.20	\$90.00
4/14/2023	Present Moot Court to Attys. Stein and Vargas and receive feedback on proposed argument.	C.W.	1.00	\$450.00
4/17/2023	Travel from home to New York for court of appeal argument.	C.W.	2.50	\$562.50
4/17/2023	Telephone conference with Robert Samson re: hearing, protocol and argument issues.	C.W.	.40	\$180.00
4/17/2023	Review case law case law and familiarize with case law, review potential questions from judges and potential responses. Preparation for oral argument.	C.W.	5.50	\$2,475.00
4/18/2023	Attend and present oral argument before Second Circuit Court of Appeals.	C.W.	3.30	\$1,485.00
4/18/2023	Debrief with client re: court of appeals argument.	C.W.	.60	\$270.00
4/18/2023	Telephone conference with client and Atty. Vargas re: Court of Appeals argument and discuss strategies to address concerns.	C.W.	1.00	\$450.00
4/18/2023	Preparation for oral argument before court of appeals.	C.W.	2.00	\$900.00
4/18/2023	Travel from NY to home for court of appeals argument.	C.W.	2.50	\$562.50
4/20/2023	Research re: civil rule 12.1 and appellate rule 62.1 re: indicative ruling. Research case law re: indicative ruling.	C.W.	1.30	\$585.00
4/20/2023	Review Court order clarifying status of Stony Brook case.	C.W.	.10	\$45.00
4/20/2023	Telephone conference with Atty. Vargas re: District Court Order.	C.W.	.10	\$45.00
4/21/2023	Review letter filed with the court by Atty. Burgoyne.	C.W.	.10	\$45.00
5/1/2023	Review Summary Opinion of 2d. Cir.	C.W.	.30	\$135.00
5/1/2023	Zoom and phone call with co-counsel re: addressing	C.W.	.50	\$225.00

5/3/2023	2d Circuit Order and Consent Decree with SB. Review Complaints and PI Motions re: irreparable harm arguments. Review and respond to Atty. Vargas e-mail re: strategy and legal analysis re: irreparable harm.	C.W.	.40	\$180.00
5/3/2023	Review time and billing entries and develop settlement demand re: NBME	C.W.	.30	\$135.00
5/3/2023	Develop and transmittal of talking points for conference call with NBME counsel to co-counsel.	C.W.	.20	\$90.00
5/3/2023	Telephone conference with Atty. Vargas re: strategy for conference call with opposing counsel.	C.W.	.20	\$90.00
5/3/2023	Zoom call with opposing counsel re: resolution.	C.W.	.30	\$135.00
5/3/2023	Telephone call with Atty. Vargas re: debrief on call with opposing counsel and strategy.	C.W.	.30	\$135.00
5/3/2023	Review documentation and create spreadsheet of costs and fees and transmittal to co-counsel.	C.W.	.30	\$135.00
5/3/2023	Review NBME's letter filed with court conceding accommodations.	C.W.	.10	\$45.00
5/3/2023	Telephone conference with Atty. Vargas re: preparation for Zoom call with opposing counsel.	C.W.	.50	\$225.00
5/4/2023	Attendance at Court scheduled conference call.	C.W.	.20	\$90.00
5/4/2023	Review research memo re: permanent injunction and prevailing party issues.	C.W.	.30	\$135.00
5/4/2023	Review Atty. Vargas' talking points for conference with Judge.	C.W.	.20	\$90.00
5/4/2023	Review appellate argument transcript and draft additional talking points for co-counsel for conference with Judge.	C.W.	.30	\$135.00
5/4/2023	Telephone conference with Atty. Vargas re: debrief after conference with Judge.	C.W.	.50	\$225.00
5/5/2023	Transmittal of email to Attys Vargas and Stein re: strategy for fee petition.	C.W.	.10	\$45.00
5/5/2023	Telephone conference with Atty. Vargas re: fee petitions and declarations.	C.W.	.50	\$225.00
5/5/2023	Draft and transmittal of letter to opposing counsel re: proposed fee petition timetable.	C.W.	.20	\$90.00
5/16/2023	Review Spreadsheet of costs. Transmittal of email to co-counsel regarding costs.	C.W.	.20	\$90.00
5/17/2023	Review, revise and comment on first draft of fee petition argument.	C.W.	.50	\$225.00
5/17/2023	Review and draft comments to fee petition and transmittal to Atty. Stein.	C.W.	.70	\$315.00
5/24/2023	Transmittal of e-mail to Atty. Seaborn re: fee petition declaration.	C.W.	.10	\$45.00
5/30/2023	Draft Declaration supporting Counsel fees.	C.W.	1.50	\$675.00
5/30/2023	Review cost invoices, create itemizations of costs, transmittal costs itemization and receipts to co-counsel.	C.W.	.50	\$225.00
5/30/2023	Review and revise declaration to include cost expenditures.	C.W.	.40	\$180.00
5/31/2023	Transmittal of e-mail to co-counsel re: telephone	C.W.	.20	\$90.00

6/1/2023	call with Rebecca Rodgers and declaration issues. Draft revisions to declaration re: fees and costs and transmittal to local counsel.	C.W.	.30	\$135.00
6/14/2023	Review time and billing records re: settlement and fee petition. Draft e-mail memorandum to co-counsel re: analysis.	C.W.	.60	\$270.00
6/14/2023	Transmittal to Atty. Goodell re: declaration for fee petition.	C.W.	.20	\$90.00
6/14/2023	Transmittal of e-mail to Atty. Goodell re: attorneys experience and rates.	C.W.	.20	\$90.00
6/14/2023	Review file and court dockets and draft email memo to co-counsel listing potential exhibits and declarations for fee petition and list of declarations to complete.	C.W.	1.20	\$540.00
6/15/2023	Review and comments to Atty. Stein Declaration.	C.W.	.20	\$90.00
6/16/2023	Transmittal of email to Dr. Wasserstein re: status and cost issues.	C.W.	.10	\$45.00
6/23/2023	Review and provide comments and revisions to Brief supporting fee petition.	C.W.	.90	\$405.00
6/23/2023	Review, revise and finalize Declaration supporting fee petition.	C.W.	.50	\$225.00
SUBTOTAL:			246.80	\$108,360.00
			0	TOTAL \$108,360.00

## **EXHIBIT 2**



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99 Lantern Drive  
Suite 202  
Doylestown, PA 18901

267-685-6311  
215-340-7685 (fax)  
[www.CharlesWeinerLaw.com](http://www.CharlesWeinerLaw.com)

July 18, 2022

**VIA E-MAIL/rburgoyne@perkinscoie.com & cmew@perkinscoie.com**

Robert Burgoyne, Esquire  
Caroline Mew, Esquire  
Perkins Coie  
700 13<sup>th</sup> Street, N.W.  
Suite 800  
Washington, D.C. 20005

Re: Robert D. Sampson v. NBME

Dear Bob:

This office along with the attorneys of Stein & Vargas, LLP represent Robert D. Sampson, concerning the administration of the USMLE Step 1 exam. We intend to file litigation against NBME for its discriminatory denial of Mr. Sampson's requests for accommodations, which included 100% extended time and additional break time. We are contacting you as a courtesy, and with the hope that you can impress upon NBME to reverse its denial of accommodations and provide the requested accommodations before we file suit.

Mr. Sampson is an individual with a disability pursuant to the Americans with Disabilities Act 28 U.S.C. § 12101 et seq. (ADA) and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504). Mr. Sampson meets the DSM-5 diagnosis criteria for Specific Learning Disorder with impairment in reading (reading comprehension and reading fluency) and impairment in written expression. Mr. Sampson also meets the criteria for Attention Deficit Hyperactivity Disorder, combined presentation. Comprehensive neuropsychological testing conducted at the Mount Sinai Medical College ("Mount Sinai") resulted in a determination that Mr. Sampson requires extended time on testing and extended breaks. The results of this most recent testing at Mount Sinai were consistent with prior neuropsychological testing in all respects except new testing found that Mr. Sampson required double time rather than the time and half that was previously recommended. Mr. Sampson's medical school considered the Mount Sinai evaluation and, pursuant to the ADA and Section 504, approved double extended time for all testing.

Mr. Robert Burgoyne, Esquire  
Re: Sampson v. NBME  
July 18, 2022  
Page 2 of 2

Despite submitting substantial documentation supporting the need for accommodations, including reports of interventions during his developmental period, NBME rejected Mr. Sampson's request for accommodations multiple times and most recently on June 1, 2022.

Kindly advise whether the NBME wishes to resolve this matter in accordance with the foregoing request. In exchange, we shall forebear from filing suit. If NBME is unwilling to resolve this matter, we shall commence our preparation and filing of a Complaint and Motion for Preliminary Injunction. We request a response from you by August 1, 2022. We are available if you wish to discuss this matter.

Thank you for your consideration.

Very truly yours,

/s/  
Charles Weiner

cc: Mary C. Vargas, Esq. (via email)  
Michael S. Stein, Esq. (via email)

## **EXHIBIT 3**

**Subject:** Re: Robert D. Sampson / NBME  
**Date:** Thursday, August 4, 2022 at 4:46:43 PM Eastern Daylight Time  
**From:** Chuck Weiner  
**To:** Burgoyne, Robert (WDC), Mew, Caroline (WDC)  
**CC:** Mary Vargas, Michael Stein  
**Attachments:** image001.png, image002.png

Hi Bob:

Hope you're enjoying the time off. Just following up on this matter to see when we might expect a response from NBME.

Best,  
Chuck



Charles Weiner, Esq.  
99 Lantern Drive  
Suite 202  
Doylestown, PA 18901  
267-685-6311  
215-340-7685 (FAX)  
[charles@charlesweinerlaw.com](mailto:charles@charlesweinerlaw.com)

This e-mail is from the Law Office of Charles Weiner, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

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**From:** "Burgoyne, Robert (WDC)" <[RBurgoyne@perkinscoie.com](mailto:RBurgoyne@perkinscoie.com)>  
**Date:** Friday, July 22, 2022 at 9:25 AM  
**To:** Chuck Weiner <[charles@charlesweinerlaw.com](mailto:charles@charlesweinerlaw.com)>, "Mew, Caroline (WDC)" <[CMew@perkinscoie.com](mailto:CMew@perkinscoie.com)>  
**Cc:** Mary Vargas <[mary.vargas@steinvargas.com](mailto:mary.vargas@steinvargas.com)>, Michael Stein <[michael.stein@steinvargas.com](mailto:michael.stein@steinvargas.com)>  
**Subject:** RE: Robert D. Sampson / NBME

Hello Charlie,

My apologies for the delayed response. I am out of the country until next week and have not been reading or responding to emails as regularly as I ordinarily would.

I will contact NBME as soon as I can when I get back, but I don't anticipate being able to get you a response by the requested August 1 date. Just wanted to give you a heads up so that you know where this stands.

Best,

Bob

## **EXHIBIT 4**

**Subject:** Sampson v. NBME  
**Date:** Friday, August 26, 2022 at 11:02:59 AM Eastern Daylight Time  
**From:** Chuck Weiner  
**To:** Burgoyne, Robert (WDC)  
**CC:** Mary Vargas, Michael Stein  
**Attachments:** 2022-08-26 Complaint NBME.pdf, image001.png

Bob:

We appreciate you keeping us updated on the status of NBME's review; however, it has taken a considerable amount of time, much to the detriment of Mr. Sampson's education and career endeavors. Accordingly, enclosed is a courtesy copy of the complaint we intend to file in the U.S. District Court, E.D.N.Y.

Should NBME decide to approve Mr. Sampson for accommodations, kindly let us know.

Thank you for your prompt attention to this matter.



Charles Weiner, Esq.  
99 Lantern Drive  
Suite 202  
Doylestown, PA 18901  
267-685-6311  
215-340-7685 (FAX)  
[charles@charlesweinerlaw.com](mailto:charles@charlesweinerlaw.com)

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## **EXHIBIT 5**



Pennsylvania Turnpike Commission  
 E-ZPass Customer Service Center  
 300 East Park Drive  
 Harrisburg, PA 17111  
 1.877.PENNPASS (1.877.736.6727)  
[www.paturnpike.com](http://www.paturnpike.com)

**Account Number:** [REDACTED]  
**Statement Date:** 05/30/2023  
**Statement Period**  
**From:** 10/01/2022  
**To:** 10/31/2022  
**Account Type:** POV  
**Payment Method:** Prepaid

**DO NOT PAY- THIS IS NOT A BILL**

CHARLES WEINER  
[REDACTED]

### Activity Summary

Transponder/ License Plate	Toll Charges	Transponder/ License Plate	Toll Charges
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

### Account Activity

Posted	Transaction	Transponder / License Plate	Entry Date	Entry Plaza	Exit Date	Exit Plaza	CL	Amount	Balance
	Beginning Prepaid Balance								\$100.21
		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
10/11/2022	AWAY AGENCY TOLL	[REDACTED]	10/10/2022 06:27:27	New Jersey Turnpike - 7A	10/10/2022 07:02:15	New Jersey Turnpike - 13		(\$6.44)	[REDACTED]
10/11/2022	AWAY AGENCY TOLL	[REDACTED]		Port Authority NY/NJ - ***	10/10/2022 07:04:32	Port Authority NY/NJ - GB		(\$16.00)	[REDACTED]
10/14/2022	AWAY AGENCY VTOLL	[REDACTED]		-	10/10/2022 07:11:39	Verrazano Narrows Br -		(\$10.17)	[REDACTED]
10/14/2022	AWAY AGENCY TOLL	[REDACTED]	10/13/2022 12:56:32	New Jersey Turnpike - 13	10/13/2022 13:34:16	New Jersey Turnpike - 7A		(\$6.44)	[REDACTED]
10/15/2022	AWAY AGENCY TOLL	[REDACTED]		DRJT Bridge Comm - ***	10/13/2022 13:54:12	DRJT Bridge Comm - SF		(\$1.25)	[REDACTED]
10/15/2022	AWAY AGENCY VTOLL	[REDACTED]		-	10/13/2022 12:45:05	Verrazano Narrows Br -		(\$10.17)	[REDACTED]
	Ending Prepaid Balance								[REDACTED]

## **EXHIBIT 6**



**Residence Inn® Long Island Islip Courthouse**  
 7 Court House Drive, Central Islip, NY 11722 P 631.231.0025  
[Marriott.com/ISPCL](http://Marriott.com/ISPCL)

Charles Weiner 501 Cambria Ave Bensalem PA 19020-7213 Business	Room: 317 Room Type: STDO Number of Guests: 1 Rate: \$187.15 Clerk: CJN			
Arrive: 10Oct22	Time: 08:14AM	Depart: 13Oct22	Time: 08:20AM	Folio Number: 65115

DATE	DESCRIPTION	CHARGES	CREDITS
10Oct22	Market Beverage	3.45	
10Oct22	Sales Tax	0.30	
10Oct22	Market Beverage	5.52	
10Oct22	Sales Tax	0.48	
10Oct22	Room Charge	187.15	
10Oct22	State Occupancy Tax	16.14	
10Oct22	City Tax	5.61	
11Oct22	Market Beverage	2.76	
11Oct22	Sales Tax	0.24	
11Oct22	Market Beverage	2.76	
11Oct22	Sales Tax	0.24	
11Oct22	Market Packaged Food	4.60	
11Oct22	Sales Tax	0.40	
11Oct22	Room Charge	195.70	
11Oct22	State Occupancy Tax	16.88	
11Oct22	City Tax	5.87	
12Oct22	Market Beverage	3.68	
12Oct22	Sales Tax	0.32	
12Oct22	Market Beverage	3.68	
12Oct22	Sales Tax	0.32	
12Oct22	Market Beverage	4.60	
12Oct22	Sales Tax	0.40	
12Oct22	Market Beverage	4.60	
12Oct22	Sales Tax	0.40	
12Oct22	Market Beverage	4.60	
12Oct22	Sales Tax	0.40	
12Oct22	Market Frozen Food	3.68	
12Oct22	Sales Tax	0.32	
12Oct22	Room Charge	187.15	
12Oct22	State Occupancy Tax	16.14	
12Oct22	City Tax	5.61	
13Oct22	American Express		684.00

Card #: AXXXXXXXXXXXXXX2000/XXXX  
 Card Type: AMEX Card Entry: MANUAL Approval Code: 174153

BALANCE:	0.00
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**Residence Inn® Long Island Islip Courthouse**

7 Court House Drive, Central Islip, NY 11722 P 631.231.0025  
[Marriott.com/ISPCL](http://Marriott.com/ISPCL)

Charles Weiner  
 501 Cambria Ave  
 Bensalem PA 19020-7213  
 Business

Room: 317  
 Room Type: STDO  
 Number of Guests: 1  
 Rate: \$187.15  
 Clerk: CJN

Arrive: 10Oct22

Time: 08:14AM

Depart: 13Oct22

Time: 08:20AM

Folio Number: 65115

DATE	DESCRIPTION	CHARGES	CREDITS

**Marriott Bonvoy Account # XXXXX6059.** Your Marriott Bonvoy points/miles earned on your eligible earnings will be credited to your account. Check your Marriott Bonvoy account statement or your online statement for updated activity.

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**Residence Inn® Long Island Islip Courthouse**  
 7 Court House Drive, Central Islip, NY 11722 P 631.231.0025  
[Marriott.com/ISPCL](http://Marriott.com/ISPCL)

Charles Weiner 501 Cambria Ave Bensalem PA 19020-7213 Business	Room: 314 Room Type: STDO Number of Guests: 1 Rate: \$187.15	Clerk: CJN		
Arrive: 10Oct22	Time: 08:15AM	Depart: 13Oct22	Time: 08:20AM	Folio Number: 65114

DATE	DESCRIPTION	CHARGES	CREDITS
10Oct22	Room Charge	187.15	
10Oct22	State Occupancy Tax	16.14	
10Oct22	City Tax	5.61	
11Oct22	Room Charge	195.70	
11Oct22	State Occupancy Tax	16.88	
11Oct22	City Tax	5.87	
12Oct22	Room Charge	187.15	
12Oct22	State Occupancy Tax	16.14	
12Oct22	City Tax	5.61	
13Oct22	American Express		636.25

Card #: AXXXXXXXXXXXXXX2000/XXXX  
 Card Type: AMEX Card Entry: MANUAL Approval Code: 168130

BALANCE:	0.00
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**Marriott Bonvoy Account # XXXXX6059.** Your Marriott Bonvoy points/miles earned on your eligible earnings will be credited to your account. Check your Marriott Bonvoy account statement or your online statement for updated activity.

See our "Privacy & Cookie Statement" on [Marriott.com](http://Marriott.com).

## **EXHIBIT 7**



Charles Weiner &lt;cweinlaw@gmail.com&gt;

**Amtrak: eTicket and Receipt for Your 04/17/2023 Trip - CHARLES WEINER**

1 message

**etickets@amtrak.com** <etickets@amtrak.com>  
 To: CWEINLAW@gmail.com

Mon, Apr 17, 2023 at 8:13 AM

SALES RECEIPT



Purchased: 04/17/2023 5:13 AM PT Thank you for your purchase.

1. Retain this receipt for your records.
2. Show the QR code on the attached eTicket to the conductor or use the Amtrak app.

Merchant ID 006541 Massachusetts Ave NW Washington, DC 20001800-USA-RAILAmtrak.com

Reservation Number - 521433 Trenton, NJ to New York, NY - Moynihan Train Hall at Penn Sta. (One-Way) APRIL 17, 2023

Billing Information

CHARLES WEINER 99 LANTERN DRIVE SUITE 202 DOYLESTOWN, PA 18901

American Express ending in 2000 (Purchase) Authorization Code 172136

Total \$58.00

Purchase Summary - Ticket Number 1070654006826

TRAIN 646: Trenton, NJ to New York, NY - Moynihan Train Hall at Penn Sta. (One-Way) Depart 11:23 AM, Monday, April 17, 2023

1 COACH SEAT

\$58.00

Ticket Terms &amp; Conditions CANCELLATION FEE MAY APPLY.

Subtotal

\$58.00

Total Charged by Amtrak

\$58.00

Passengers

Charles Weiner

Important Information

- Tickets are non-transferable.
- Changes to your itinerary may affect your fare. Refund and exchange restrictions and penalties for failure to cancel unwanted travel may apply. If your travel plans change, contact us before departure to change your reservation. If you do not board your train, your entire reservation from that point will be canceled. If you board a different train without notifying us, you will have to pay for it separately; the conductor cannot apply the money paid for your prior reservation. For more information please visit [Amtrak.com/changes](#).
- Summary of Terms and Conditions: Ticket valid for carriage or refund (subject to the refund rules of the fare purchased) for twelve months after day of issue unless otherwise specified. Amtrak tickets may only be sold or issued by Amtrak or an authorized travel agent/tour operator. Tickets sold or issued by an unauthorized third party will be voided by Amtrak. This ticket is a contract of carriage which includes specific terms and conditions and a binding arbitration agreement between Amtrak and the ticket holder. The terms and conditions and arbitration agreement are available at [Amtrak.com/terms-and-conditions.html](#). Tickets sold for non-Amtrak service are subject to the tariffs of the providing carrier.
- Questions? Contact us online at [Amtrak.com/contact](#) or call 1-800-USA-RAIL (1-800-872-7245) or for text telephone (TTY) 1-800-523-6590.

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Charles Weiner &lt;cweinlaw@gmail.com&gt;

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**Amtrak: eTicket and Receipt for Your 04/18/2023 Trip - CHARLES WEINER**

1 message

**etickets@amtrak.com** <etickets@amtrak.com>  
 To: CWEINLAW@gmail.com

Tue, Apr 18, 2023 at 4:10 PM

**SALES RECEIPT**

Purchased: 04/18/2023 1:10 PM PT Thank you for your purchase.

1. Retain this receipt for your records.
2. Show the QR code on the attached eTicket to the conductor or use the Amtrak app.

Merchant ID 006471 Massachusetts Ave NW Washington, DC 20001800-USA-RAILAmtrak.com

Reservation Number - 538C25 New York, NY - Moynihan Train Hall at Penn Sta. to Trenton, NJ (One-Way) APRIL 18, 2023

**Billing Information**

CHARLES WEINER 99 LANTERN DRIVE SUITE 202 DOYLESTOWN, PA 18901

American Express ending in 2000 (Purchase) Authorization Code 127263

Total \$69.00

Purchase Summary - Ticket Number 1080647059923

TRAIN 653: New York, NY - Moynihan Train Hall at Penn Sta. to Trenton, NJ (One-Way) Depart 5:10 PM, Tuesday, April 18, 2023

1 COACH SEAT

\$69.00

Ticket Terms &amp; Conditions CANCELLATION FEE MAY APPLY.

Subtotal

\$69.00

Total Charged by Amtrak

\$69.00

**Passengers**

Charles Weiner

**Important Information**

- 
- Tickets are non-transferable.
  - Changes to your itinerary may affect your fare. Refund and exchange restrictions and penalties for failure to cancel unwanted travel may apply. If your travel plans change, contact us before departure to change your reservation. If you do not board your train, your entire reservation from that point will be canceled. If you board a different train without notifying us, you will have to pay for it separately; the conductor cannot apply the money paid for your prior reservation. For more information please visit [Amtrak.com/changes](#).
  - Summary of Terms and Conditions: Ticket valid for carriage or refund (subject to the refund rules of the fare purchased) for twelve months after day of issue unless otherwise specified. Amtrak tickets may only be sold or issued by Amtrak or an authorized travel agent/tour operator. Tickets sold or issued by an unauthorized third party will be voided by Amtrak. This ticket is a contract of carriage which includes specific terms and conditions and a binding arbitration agreement between Amtrak and the ticket holder. The terms and conditions and arbitration agreement are available at [Amtrak.com/terms-and-conditions.html](#). Tickets sold for non-Amtrak service are subject to the tariffs of the providing carrier.
  - Questions? Contact us online at [Amtrak.com/contact](#) or call 1-800-USA-RAIL (1-800-872-7245) or for text telephone (TTY) 1-800-523-6590.

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## **EXHIBIT 8**



[REDACTED] Business Gold Rewards Card

CARD MEMBER

CHARLES WEINER

DATE	DESCRIPTION	AMOUNT	
Apr 17	<b>CREATIVE MOBILE TECHNOLOGIES</b> 42-32 21ST STREET  LONG ISLAND CITY NY 11101 (877) 268-2947 <a href="https://www.cmtgroup.com/">https://www.cmtgroup.com/</a>	<b>NYC TAXI 1246 460010LONG ISLAND C NY</b> Will appear on your May 9, 2023 statement as NYC TAXI 1246 460010LONG ISLAND C NY	\$36.10
	CARD CHARLES WEINER		
	MEMBERSHIP REWARDS POINTS 1X on Other purchases	<b>36</b>	
	ADDITIONAL INFORMATION 004702394 718-9374444		

## **EXHIBIT 9**



MOXY Hotels  
NYC Downtown

26 Ann St  
New York, NY 10038  
t(212) 257 8886

Charles Weiner Room: 2010  
99 Lantern Drive Room Type: DCTY  
Suite 202 Number of Guests: 1  
Doylestown PA 18901 Rate: \$251.00 Clerk: BHI

Arrive: 17Apr23 Time: 12:48PM Depart: 18Apr23 Time: 02:28PM Folio Number: 95873

Date	Description	Charges	Credits
17Apr23	Restaurant Room Charge	38.66	
17Apr23	Destination Food Credit		25.00
17Apr23	Room Charge	251.00	
17Apr23	State Occupancy Tax	22.28	
17Apr23	City Tax	14.75	
17Apr23	Occupancy Sales Tax	2.00	
17Apr23	Convention and Tourism Tax	1.50	
17Apr23	Destination Fee	25.00	
17Apr23	State Occupancy Tax	2.22	
17Apr23	City Tax	1.47	
18Apr23	American Express		333.88
	Card #: AXXXXXXXXXXXXX2000/XXXX		
	Card Type: AMEX Card Entry: CHIP Approval Code: 886655 App		
	Label: AMERICAN EXPRESS AID: A00000025010801		
18Apr23	Restaurant Room Charge	25.78	
18Apr23	American Express		25.78
	Card #: AXXXXXXXXXXXXX2000/XXXX		
	Card Type: AMEX Card Entry: MANUAL Approval Code: 113447		
		<b>Balance:</b>	<b>0.00</b>

**Marriott Bonvoy Account # XXXXX6059.** Your Marriott Bonvoy points/miles earned on your eligible earnings will be credited to your account. Check your Marriott Bonvoy account statement or your online statement for updated activity.

See our "Privacy & Cookie Statement" on Marriott.com.

# **EXHIBIT 10**



Business Gold Rewards Card

CARD MEMBER

CHARLES WEINER

DATE	DESCRIPTION	AMOUNT	
Apr 18	TRENTON TRANSIT PARK R 458 GREENWOOD AVE	TRENTON TRANSIT PARKTRENTON NJ  Will appear on your May 9, 2023 statement as TRENTON TRANSIT PARKTRENTON NJ	\$31.00
	TRENTON NJ 08609 (866) 220-2299 <a href="https://www.nexusproperties.com">https://www.nexusproperties.com</a>	CARD CHARLES WEINER	
		MEMBERSHIP REWARDS POINTS 1X on Other purchases	31
		ADDITIONAL INFORMATION 00042926 866-220-2299	